

Appln. No. 10/789,713
Amendment dated September 6, 2005
Reply to Office Action mailed May 5, 2005

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims (deleted text is struck through and added text is underlined):

1. through 9. (Cancelled)

10. (Currently Amended) ~~The A retaining device of claim 1, further~~
for an item of apparel comprising:

a flexible band having an interior surface, said flexible band being
conformable around an extremity of a user;

a fastening member on the interior surface of said flexible band, said
fastening member being capable of selective fastening to a complementary
fastening member on an item of apparel;

a pocket positioned on the interior surface of said flexible band, said
pocket selectively retaining a user accessory, said pocket having an open
side for permitting insertion of the user accessory in said pocket through
said open side, said open side of said pocket being positioned in spaced
relationship from an edge of said flexible band to inhibit access to said
pocket when said flexible band is being worn by the user, said pocket being
visually obscured by said flexible band;

said flexible band being formed in a generally round shape and having
an interior surface abutting the item of apparel, said flexible band having an
exterior surface opposite said interior, said exterior surface includes a
indicia;

at least one illumination member operationally coupled to said flexible
band;

wherein said ~~engagement means~~ further comprises a fastening member
is selected from the group of fastening members consisting of a clip, snap,
hook and loop fastener, teeth, clasp and velvet; and

wherein said flexible band is shaped in the appearance of an organic
form.

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11. through 16. (Cancelled)

17. (New) In combination:

an article of apparel for covering at least a portion of a body of a user, the article having a first portion configured to cover a portion of an extremity of the body of the user, a first fastening member being located on an exterior of the first portion of the article of apparel, ; and

an accessory device for the article of apparel comprising:

an elongate band, the band being flexible so as to be conformable around an extremity of a user, the band being non-continuous and having a pair of opposite ends, the band having an interior surface;

a second fastening member complementary to the first fastening member, the second fastening member being located on the interior surface of the band for positioning adjacent to the exterior of the first portion of the article of apparel such that the second fastening member is removably fastened to the first fastening member and the article of apparel;

a pocket positioned on the interior surface of the band for selectively retaining a user accessory, the pocket having an open side for permitting insertion of the user accessory in the pocket through the open side, the open side of the pocket being positioned in spaced relationship from a longitudinal edge of the flexible band to inhibit access to the pocket when the band is being worn on the article of apparel by the user, the pocket being visually obscured from view by the band;

wherein the band is formed in a generally round shape;

wherein the band is formed in a generally helical shape along the a length of the band such that a portion of the length of the band extends by one end of the band;

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wherein the band has an exterior surface opposite the interior,
the exterior surface includes an indicia;

at least one illumination member mounted on the exterior of the
band;

wherein the first and second fastening members are selected
from the group of fastening members consisting of a clip, snap, hook
and loop fastener, teeth, clasp and velvet; and

wherein the band is shaped in the appearance of an organic form.

18. (New) An accessory device for mounting on an article of apparel
having a first fastening member, the device comprising:

an elongate band, the band being flexible so as to be conformable
around an extremity of a user, the band being non-continuous and having a
pair of opposite ends, the band having an interior surface;

a second fastening member complementary to the first fastening
member, the second fastening member being located on the interior surface
of the band for positioning adjacent to the exterior of the first portion of
the article of apparel such that the second fastening member is removably
fastenable to the first fastening member and the article of apparel; and

at least one illumination member mounted on the exterior of the band.

19. (New) The device of claim 18 additionally comprising a pocket
positioned on the interior surface of the band for selectively retaining a user
accessory, the pocket having an open side for permitting insertion of the
user accessory in the pocket through the open side.

20. (New) The device of claim 19 wherein the open side of the
pocket is positioned in spaced relationship from a longitudinal edge of the
flexible band to inhibit access to the pocket when the band is being worn on
the article of apparel by the user, the pocket being visually obscured from
view by the band.

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21. (New) The device of claim 18 wherein the band is formed in a generally round shape.

22. (New) The device of claim 18 wherein the band is formed in a generally helical shape along the a length of the band such that a portion of the length of the band extends beyond one end of the band.

23. (New) The device of claim 18 wherein the band has an exterior surface opposite the interior surface, the exterior surface including an indicia.

24. (New) The device of claim 18 wherein the first and second fastening members are selected from the group of fastening members consisting of a clip, snap, hook and loop fastener, teeth, clasp and velvet.

25. (New) The device of claim 18 wherein an exterior of the band has an organic shape.

26. (New) The device of claim 25 wherein the band has a helical shape, and the exterior of the band has the appearance of a snake to produce a coiled snake appearance.